

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VERON BRIGGS,

Plaintiff,

v.

1:22-CV-1221
(DNH/DJS)

JUSTIN BYRNES, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

VERON BRIGGS

Plaintiff Pro Se

Troy, New York 12182

PATTISON, SAMPSON, GINSBERG,
& GRIFFIN

Attorney for Defendants

22 First Street

P.O. Box 208

Troy, New York 12181-0208

RHIANNON I. GIFFORD, ESQ.

DANIEL J. STEWART

United States Magistrate Judge

ORDER

On March 10, 2023, Defendants filed a Motion to Dismiss pursuant to FED. R. CIV. P. 12(b)(6) or, in the alternative for a More Definite Statement under Rule 12(e). Dkt. No. 16. The Court converted the Motion to a Motion for Summary Judgment and set a briefing schedule. Dkt. No. 19. Plaintiff has now filed, as of right, an Amended Complaint. Dkt. No. 20. The Amended Complaint sets forth legal theories distinct from the Complaint and that are not addressed by the Motion for Summary Judgment. *See generally id.* In the Court's view, the filing of an Amended Complaint moots the pending dispositive Motion. *See Hanrahan v. Menon*, 2010 WL 984279,

at *1 (N.D.N.Y. Mar. 15, 2010); *Hill v. Chalanor*, 2008 WL 907363, at *1 (N.D.N.Y. Mar. 31, 2008).

ACCORDINGLY, it is hereby

ORDERED, that Defendants' Motion (Dkt. No. 16) is **DENIED as moot**; and it is further

ORDERED, that Defendants shall answer or otherwise with respect to the Amended

Complaint on or before April 28, 2023; and it is further

ORDERED, that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 31, 2023
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge